

REMARKS

Claims 1-6, 9-11 are allowed. Claims 12-40 are rejected. Claims 41-45 have been added. Claims 1-6 and 9-45 remain in the case for reconsideration. No new subject matter has been added.

Claim Rejections

Claims 12-13, 21-23 and 31-33 were rejected under 35 USC 102(b) over Roussel. Claims 14-19, 24-29 and 34-39 were rejected under 35 USC 103(a) over Roussel in view of Phillips et al. Claims 20, 30 and 40 were rejected under 35 USC 103(a) over Roussel, in view of Phillips et al and further in view of Markart et al.

The Examiner acknowledged that Roussel does not teach disposing a point light source and a detector at the edge of the holder. Claim 12 has been amended to change end to edge as suggested by the Examiner. Accordingly claim 12 and dependant claims 13-16 are all allowable over Roussel.

Regarding claims 17, 27, and 37, the Examiner stated that with regard to the recitation “point light source is capable of radiating a light with a first wavelength and a light with a second wavelength,” that the recitation of an element “capable of” performing a function is not a positive limitation and therefore does not constitute a limitation.

The recitation “capable of” is not used in claim 37. Claim 37 has been written in independent form including all of the elements of the base claim and any intermediate claims. Accordingly, claim 37 is allowable under allowable 35 USC 103(a) over Roussel in view of Phillips et al.

The recitation “capable of” in claims 17 and 27 have been changed to “configured to”. Claim 17 has also been amended to recite:

a point light source configured to radiate a light with a first wavelength and radiate a light with a second wavelength . . . wherein said point light source is configured to radiate the light with the first wavelength and radiate the light with the second wavelength onto a tested solution contained in said target area of said object; and

a photodetector configured to detect a reflectance of said light with said first wavelength from said tested solution, and detect a reflectance of said light with ~~the~~ said second wavelength from said tested solution.

Roussel does not suggest a point light source configured to radiate a light with a first wavelength and radiate a light with the second wavelength onto a tested solution contained in

said target area of said object. A light emitting diode 1 in Roussel generates a light beam 9 with only a single wavelength (FIG. 1).

Accordingly claim 17 is allowable over Roussel in view of Phillips et al. Claims 21, 31, and 42 include at least some of the same elements as claim 17 and are therefore allowable for at least some of the same reasons.

The Examiner also states on page 11 of the Office Action that the prior art of record, taken alone or in combination, fails to disclose or render obvious an apparatus in which a sampling amount of a tested solution is determined in accordance with the reflectance of light with a first wavelength from a light-absorbing area, and light with a second wavelength is used to determine a content of said specific component of the tested solution.

Claim 13 recites *the photodetector determines a sampling amount of said tested solution on the object in accordance with the reflectance of said light with the first wavelength and determines a content of a component in said tested solution in accordance with the reflectance of said light with the second wavelength.*

Accordingly, claim 13 is separately patentable under 35 USC 102(b) over Roussel. Claims 18, 23, 41 and 42 include at least some features generally similar to the elements of claim 13 and are therefore patentable for at least some of the same reasons as claim 23.

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 12-40 of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 224-2170 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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